

## China Business of Aviation, Law, American Democracy, and Entrepreneurship - Part 2

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Professor: Good evening. Tonight we are very honored to have with us J. Christopher Robbins. He will be speaking on the subject of American history during the revolutionary era. Some of you heard his lecture yesterday on entrepreneurship. What you did not know is that in addition to being a lawyer in the United States, Chris is a professional writer who knows a great deal about American history and government. He studied this subject for four years at the University of Pennsylvania, where he graduated in 1997. Since then, Chris has written extensively about American politics, business, and history. He has had articles published in the U.S. and in other countries. One of his articles about China's death penalty was published in the Hong Kong Apple Daily. Tonight, Chris is going to speak about American government.

Please welcome J. Christopher Robbins. Robbins: Thank you. Thank you so much. It is an honor to be here in Hengyan in Hunan Province. This is a great opportunity for me to be able to come all the way from the U.S. to talk to you about my country's history.

Thank you. Thank you again. So much has happened in the last 20 years between our countries. My presence tonight simply would not have been possible until recently. The relationship between China and the United States is strong. China and the United States are one of the biggest trading partners in the world. Billions of dollars of goods and services cross between our borders. It is a wonderful thing. That was the subject of yesterday's lecture.

Tonight, we are going to discuss the history of my country. It is a big subject to squeeze into the space of one hour. But luckily for all of us, the history of the United States is a lot shorter than the history of China. Indeed, there were relatively few people in the United States before the 17th century. In fact, even as late as the early eighteenth century, there were only 1.5 million people.[1] Can you imagine 1.5 million compared to the population of China?[2] Yes, a whole country not much larger than your city.

So how did it all begin for the United States? It is perhaps fitting for a country that depends today so much on technology that the U.S. was founded in part because of technology. For the first time in human history, man were able to cross vast oceans. At a crossroads in time, there met simultaneous advances in navigation[3] and ship building.[4] But this was not enough, of course, Christopher Columbus, who discovered the so-called new world - as well as the millions of men who would cross the ocean soon thereafter - also had courage and vision, too. Other explorers to this new land soon followed mostly from Spain, France, Italy, and England. These included John Cabot,[5] Amerigo Vespucci,[6] Juan Ponce de León,[7] Hernando de Soto,[8] Giovanni da Verrazano,[9] Jacques Cartier,[10] Francisco Vásquez de Coronado,[11] Walter Raleigh,[12] and Henry Hudson.[13] But there were countless other men, too. All of these men had different motives. Some sought new worlds and new opportunities.

Some were cartographers and professional mariners, the astronauts of the day, charged professionally with pushing the limits of the human experience on a yet partially unknown and unsettled planet. And still others, primarily the Spaniards, were "conquistadors," who sought treasure, political power, and sometimes even the brutal subjugation of native populations.

Whatever their motives, they were followed by their countrymen. Arriving in increasing numbers beginning at the turn of the seventh century, they would establish the first permanent settlements. These were the towns of Jamestown,[14] Plymouth Rock,[15] New Amsterdam (now New York City),[17] St. Mary's City,[17] Boston,[18] and other communities.

It is interesting to note that while the majority of settlers to the new world were of English ancestry, most of the land was claimed by other powers.

France claimed nearly two-thirds of the continent, from the Gulf Coast to Canada. Nearly one-third of the land, including all of modern day Texas, California, Florida, and the southwest was claimed by Spain. Why did they come? Think back to the seventeenth century. This is the time when some Europeans were beginning to make the decision to relocate to settlements in America. And before long, they flooded in. The population of the U.S., excluding native populations, was a scant 250,000 around the turn of the Eighteenth Century. By 1776, it was 2.5 million.[19] The trip to the new world involved crossing an ocean. And this fact alone was enough to keep the feet of most Europeans planted firmly on the ground.

At its best, travel by sea during the Seventeenth and Eighteenth century was a hardship. Ships of the day were small, slow, and claustrophobic.

Vessels smelled of sweat, bilge water, excrement,[20] slop buckets, and the men aboard. They leaked. On long voyages, food and fresh water was carefully measured out to avoid shortages in the event that the vessel was becalmed and stranded for long period. And when it was plentiful, food, such as hardtack and salted meats and fish, was far from palatable. The voyage usually took two months or more[21] and that assumed favorable winds and weather. At its

worst, however, sea travel was unpredictable and deadly. Accurate weather, wind and surf forecasts were non-existent in the 1600s. And while the mercury barometer was invented in 1643,[22] mariners did not widely use or understand this instrument until nearly two centuries later.[23] Thus, every voyage away from shore was a passage into an abyss.

Another great uncertainty was navigation. While mariners made significant inroads since Columbus's voyage a century before, finding a distant destination across the ocean was far from a certainty in the 1600s. In addition to compass, Seventeenth Century mariners relied on rudimentary sextants, hourglasses filled with sand, and nautical charts. While the first accurate marine chronometer prototype was invented in 1735,[24] it was not typical equipment on sailing ships until 1800.[25] Precision instruments were therefore not available. Celestial navigation instruments[26] were imprecise on a good day. On an overcast day, they were useless. And their inaccuracy was compounded when decks pitched and heaved in the seas. Hourglasses, crucial for dead reckoning, were crude timekeeping devices and prone to errors. And the charts of the day, when they were available, were frequently misleading with wide gaps in coverage.

A captain pointing his ship towards the Hudson would therefore not be disappointed if land was first sighted near the Chesapeake Bay. And arriving anytime within a week of a given prediction would not be unusual.

Disease was another risk. Ships rarely had doctors. And even if they did, the treatments of the day were next to useless. Lesser ailments were common, too. Cholera, typhus smallpox, yellow fever, tuberculosis, scurvy, and dysentery plagued ocean going passengers. In 1588, for example, the Spanish lost more men - perhaps some 10,000 aboard 65 ships in their Armada - to disease than to the guns of the English.[27] Even 100 years later, in the Eighteenth Century, the most common killer at sea was disease, not drowning or even naval warfare.[28] The only current analogy to a voyage by ship to the new world in the 1600s would be a trip to moon. It was a venture into the unknown, and one that every voyager would have to make his peace with prior to departure. Those boarding vessels en route to the new world in the 1600s were playing dice with their lives. Indeed, tens of thousands of men and women died at sea en route to the new world. So I should point out that in the U.S., many of our early ancestors deserve great credit for their bravery.

All of this information leads to another questions: If it was such a risk and so expensive to strike out in the new world, why did they come?

The answer lies in the place they left, Europe. The Europe they departed was often embroiled in war, internal conflict, and religious persecution. Consider the lives and times of one generation in England that had the misfortune to come of age during the English Civil war. This group endured war against France,[29] a long and bloody civil war,[30] many years of martial law and the use of Star Chamber,[31] an autocratic king, the dissolution of their Parliament and despotic rule,[32] and oppression of religious minorities.[33] Making life worse for this generation was a resurgence of the bubonic plague which killed 16% of the population of London[34] And for those unlucky enough to live in London, the plague, was followed by a fire a year later that consumed two-thirds of the city.[35] While somewhat improved compared to other ages, it was a dark time indeed. In 1650, life expectancy for an Englishman was 37 years. About 18% of infants died within the first year of their lives. Only 69% of children made it to their fifteenth birthday. Living conditions were dismal for most. This existence was close to one of "continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short." [36] As it turns out, the statistics by which we measure human health were not better in the new world. Often, they were much worse. But those fleeing Europe didn't know that. Even if they did, it is the numbers that measure human happiness that count. Let's discuss this point.

The arrival in the United States of new settlers marked a significant change from their lives in Europe. Many who came were seeking religious freedom.

In Plymouth Rock in 1620, the settlers were part of a religious group. So, to, were settlers in Pennsylvania. Just about every religious group - even mainstream protestants and Catholics - was oppressed somewhere in Europe as some time during the Seventeenth Century. Many came across the ocean to escape this. When they arrived, they were usually free from restrictions and oppression they left behind in Europe. It was an opportunity to start fresh. Indeed, the arrival of many early colonist coincided exactly with the run-up to the English civil war. It is therefore easy to imagine that they sought the same limits on government, human rights, and freedom of action their counterparts in Parliament sought, but could not attain.[37] As a convenience to Colonists, however, the obstacles of distance and time made control and governance of new world communities by the crown unwieldy, if not impossible. And while there was no movement towards secession from England until much later, the pattern of life in America was following - sometimes wittingly, usually unwittingly - the counsel of a new breed of political philosopher. A very famous one was John Locke who lived between 1632 and 1704. Locke wrote that all of mankind is "equal and independent. No one should harm another in his life, health, liberty or possessions..." [38] Don't forget the name John Locke. I might ask you if you see any parallels between what he said and what happens next in our story.

All over the new continent men were organizing new political entities that did not following the authoritarian model common Europe. They were picking up on the best - not the worst - that they learned from the European experience. In most cases, that was the model of a parliament.

The early settlers in Virginia embraced this model. They formed an assembly called the House of Burgesses. This was the first one to come into existence in 1619. The term "burgess" means a Parliamentary representative.

Participants included men and landowners who were 17 years or older who were allowed to vote and make the law. In Massachusetts, the Puritans operated under a charter that granted to the Massachusetts General Court[39] the authority to elect officers and to make laws for the colony. Although it had a rocky beginning, in 1634 it provided for elected leadership. In the same year, the settlers of Maryland St. Mary's City formed an elected General Assembly of freeman. Fifteen years later, the assembly would enact the first measure formally allowing people of varied faiths to freely worship in the territory. In 1636, excommunicates from the Massachusetts Bay Colony[40] settled in what would later become Rhode Island. They set up a democratic government under the Portsmouth Compact two years later. The subsequent crown-chartered colony came later. Established in 1663 it also permitted landowners to vote for their

leadership. By 1650, many of the 50,000 or so settlers in America - at least the ones who were not still indentured - were living as free men under democratic governments. Most still lived in Virginia or Massachusetts. By 1700, after the arrival of another 200,000 colonists,[41] nearly every colony in the future United States has an elected form of government, and one with real and not titular authority. There were still governors, and often ones with significant ruling authority. But this power was checked by elected bodies, just like Parliament.

As period contemporary, Sir Isaac Newton wrote in 1687, &ldquo;to every action there is an equal and opposite reaction.&rdquo;[42] And the reaction to increasing independence in the colonies was a slow but steady clamping down on power by England. One theory is that the crown never intended to be an absentee landlord. It just so happened that the time that saw the development of democratic institutions in the colonies conveniently coincided with war in England, attacks by the Irish and Scottish antagonists, various internal battles over succession to the throne, and a downturn in the fortunes of the royal treasury. Much to the misfortune of colonists, the distractions mostly ceased in 1713, when a peace treaty ended another decade of war and turmoil,[43] after Scotland laid down its arms and joined the United Kingdom,[44] and after a male heir, George I, ascended to the throne and left no remaining doubts over who controlled the government. England now had the time and inclination to turn its attention to its affairs in the colonies.

From the crown&rsquo;s point of view, men&rsquo;s freedom of action in the colonies was unthinkable unregulated. Most colonists did not pay the crown taxes, including quitrent. During the early years, England did not have the means to collect it. The lands of the new world were vast and in nearly all cases without property titles. And some colonists, freshly freed from their indentures, were glad to push the frontiers ever westwards, striking out on their own, beyond the authority of any man. England had its reasons for increasing its control in the Colonies. Following the conclusion of the French and Indian War, many thought the colonists should pay their part of the bill for the conflict. It was, after all, fought largely on their soil and for their protection. Britain also wanted the colonies to contribute money and pay more and more taxes and other obligations.

As the colonists&rsquo; numbers grew, the feeling of independence from the home countries nearly certainly increased. After several generations lived alone without any meaningful contact between foreign government and governed, it was not unimaginable that some would question the divine right of kings and the role of central government in the new world.

Beginning in the early 1700s, a conflict started to develop. It was not a military conflict, it was an intellectual conflict. Here was the dilemma. In Europe, for many, many, many centuries - as in China - it was accepted that the will of the prince had the force of law.[45] Let me explain. In many of these older societies a king or a government made the rules.

But after one sees for several generations, as in the colonies, that no king is necessary, and that government can function through small and purely democratic institutions, what conclusion would follow? The conclusion is that matters of law and public policy which affect all people must be approved by all people.[46] British restrictions starting taking shape in the mid-1700s. Among the things that the British did was, beginning in 1763, taxing various colonial interests and goods. They taxed molasses, which was the central products of the colonies. They also taxed publications and legal documents in what was called The Stamp Tax so that every time you bought a newspaper, you had to pay money to the British government across the ocean, thousands of miles away. The colonies thought of these acts as censorship. They also set up prohibitions on westward expansion and their ability to print their own currency. So after 160 years of little or no supervision and unregulated growth and a frontier spirit and the development of democratic institutions, the British step in and change the rules. As restrictions increase, so did colonial opposition. Influential colonial leaders, including Benjamin Franklin, Thomas Jefferson, and John Adams, started speaking and writing about the predicament. In time, opponents to British policy organized. One central rallying point was that the colonist were freeman with all of the privileges and rights of English subjects. And one of those rights was representatives in English parliament. Parliament in England is the democratic or elected group, but the colonists were not able to send their own people to Parliament. And since the crown and Parliament were imposing laws on the colonists without giving them an opportunity to vote in Parliamentary elections, these provisions were of dubious validity.

Instead of negotiating with the colonists, as Ben Franklin suggested as early as 1750, the crown went in the other direction. King George sent soldiers to Boston, which is in the northeastern part of the United States and in 1770, in what might have been an accident, some of the soldiers shot and killed a number of American colonists. It was soon called the Boston massacre. There was a great upsurge of emotion when that happened. In response, the British clamped down even further. Next, they took away trial by jury in some areas and they imposed new taxes in 1773. And they started treating the Americans like rebels. And that is pretty much what they got. In 1774, the Americans met at the First Continental Congress. This was a meeting at which influential leaders for the various colonies met. The objective of the meeting was not to pour salt upon the wounds of British-colonial relationship. It was not yet a rebellion. The purpose of the meeting was to talk about how to fix the problems and perhaps patch the relationship.

The result of this was a resolution that had been crafted at the end of the meeting. It contained requests that the colonies should have self-governance as well as rights to life, liberty and property. These were not unrealistic demands for the colonists. For 160 years, the colonists had been more or less free to regulate their own laws, to run their own governments, to elect their own people in some places. The colonists were mostly English subjects who considered themselves British citizens. The rights that they said they wanted they thought they already had and indeed some of those rights had been specifically delegated when the kings of England had provided colonists - and in some cases corporations - with land grants and various powers. So the colonists really were not thinking that they were asking for something unreasonable. King George III probably could have compromised. When the colonists started getting very, very passionate in their demands, he likely could have come to a resolution by which America still might be part of England. But the King was stubborn. There was no compromise and in 1776, diplomacy looked out of the question. In January of 1776, a writer in Philadelphia, Thomas Paine, wrote a book.

Thomas Paine was a common man with very little education. He worked in a print shop. He wrote a book which called

“Common Sense.” In a short time he sold 100,000 copies of his book. That was an amazing circulation for this historical era. It is estimated that as many as one in every seventh or eighth person alive at the time bought the book. Thomas Paine wrote that a self-sufficient, independent republic is necessary - that there should be a break with England. His verse was passionate. He urged the people of the United States to break their ties and become an independent nation. While Paine cannot be credited with causing revolution, he was one of the most poignant supports of the time. And his work marks the beginning of a torrent of political commentary on the subject. Prelude to war The movement turned from words to action six months later. On June 7, 1776, Richard Lee of Virginia introduced a resolution for the Continental Congress. In the resolution, he said wrote: “Resolved: That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.” On July 4, 1776, only one month later, after extensive deliberations and meetings by the founding fathers of the United States, Thomas Jefferson wrote the Declaration of Independence. The United States is a country which has largely framed and memorialized its values in written documents. And the next document is perhaps the most well-known and powerful statement of the rights of men in history. In the Declaration, Thomas Jefferson wrote: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” Now, who here remembers the name of the man I mentioned earlier in this lecture who wrote similar words? Any hands? Correct, that was John Locke.

He was one of several thinkers whose forward-looking vision for the worlds was embraced by the founders of the United States.

Returning to the Declaration, this was pure revolutionary. What Jefferson wrote - and the others signed -was also treason! King George had an army, and the biggest navy in the world. Thomas Jefferson and the other Americans had no such force. This was a very risky thing to do. And these men, taking such risks, were in many cases very wealthy professionals. They all had property. Many had business and commercial interests. Others - a disproportionate number - were lawyers. When they signed their names to the Declaration of Independence - they put everything at risk, including their lives. On July 4, 1776, John Hancock was the first man to ink his commitment - and his life, fortune, and sacred honor - to U.S. independence.[47] I want to point out that when his signature dried on the Declaration he probably knew he would die either a hero or a criminal.[48] Male traitors in Britain were hanged, drawn, and quartered. Looking around this lecture hall tonight I wonder how many of us would have the courage to die for the cause of freedom if it were necessary? I am not going to ask for a show of hands. The Government We Formed Since this is a story to which nearly everyone knows the ending, I am going to fast-forward. Most of you know that there was war. That the American’s almost lost. That after many defeats, and hard winters, starvation, and even soldiers without shoes—the army was so poorly supplied, they pulled through. This is largely due to the leadership of General George Washington and with special thanks to the French for joining the war on the American’s side. Let’s talk about the government that was created. The first unified U.S.

government was actually created after declaring independence. And like most things in which human beings are involved, the effort got a shaky start.

The current U.S. Constitution was not the first attempt at defining the role and limits of government power. The first attempt was in 1777. It was called the Articles of Confederation and Perpetual Union. It had a few problems. The biggest was the new government’s nearly impossible task when it came to raising funds. Several years after the war was won, in 1787, a Constitutional Convention was held in Philadelphia, to try once more at devising an intelligent Republican form of government. After months of deliberation in hot and humid Philadelphia, a plan emerged. The government created is a very complicated one, but it is also elegant.

Power is carefully balanced among competing governing bodies. There are three principal branches of government, the legislative, executive, and judicial branches. And the legislative branch is further broken down into two units, a so-called bicameral system. We call the two legislative units the House of Representatives. The founders borrowed heavily from the Roman Republic in many ways, including calling the second unit the “Senate.” The Constitution of the United States delegates power in a number of ways.

First of all, the constitution recognizes - just as the Declaration of Independence did - that all of the power in the United States that the government has comes from the people. There is no king. The sovereign is the people. If people don’t like what happens, people can take it away. They vote. The government - at least when it’s doing what it is supposed to—serves at the people’s pleasure, not the other way around.

And power is carefully controlled under the Constitution. Checks and balances, we call them. The executive’s authority is laid out specifically. And should the President of the United States exceed that power, it is subject to controls by the Judicial branch, or in some cases to restrictions imposed by the legislative branch. Similarly, the legislative branch cannot exceed its power without running afoul of the executive. Laws cannot, for example, be passed without executive approval. And to keep the Judicial branch - the only unelected division—in check, Judges, including of the Supreme Court, are appointed by the executive and must be confirmed by the legislature (or at least the Senate). In certain cases, the executive branch is even checked by its own executive agencies, to whom power has been delegated with its consent. Another example: when the legislative branch passes a law, and it is approved by the executive branch, it is still subject to judicial review by the judicial branch. They can strike it down if it offends the Constitution.

It is elegant. It is deliberative. It is slow. It is sloppy. But despite our complaints and protestations, it is a viable and

unique system. When my good friend and colleague Hunter Chamberlin and I get frustrated with the judicial branch of our government, in which we work every day, he will often quote former British Prime minister Winston Churchill. The Prime Minister said that "democracy is the worst form of government except all others." [49] It is worth noting that this phrase contains a mistake. Neither the U.S. nor Britain is a democracy. Each is a republic. As an attorney and a writer, I have long noticed that one of the most elegant aspects of our system in the United States is that it is nearly impossible for the government to do much quickly or efficiently. Some in my country criticize this and blame our leadership. But I think this was by intentional design. Remember our founders' experience prior to the Declaration.

Remember their ancestors' experiences in Europe. Government was not your friend or ally, in this era, it was your foe. And I submit that in setting up our government, our founders sought to impose careful restrictions on power that would endure long into the future. Some of these measures, such as appointment of Senators (as opposed to their directly election), have been abolished. Another unusual institution that serves this purpose, the Electoral College, I believe will likely be abolished at some point in the future. The Bill of Rights But even this carefully planned system was not enough to satisfy some founders. The Constitution is a blueprint for the operation of a government.

And while it clearly obtains its authority through elections, legal appointments, and thus consent of the nation's people, it does not contain specific protections for the people. James Madison embraced this view, and in 1789 he proposed the Bill of Rights. This Bill of Rights memorializes various other essential human freedoms in relation to their governments. These include freedom of religion, speech, the press, and peaceable assembly, the right to keep and bear arms, the protection of your property from forced interference by the army (Quartering of troops was the concern at the time), protection from unreasonable search and seizure, the right to trial by jury, and freedom from cruel and unusual punishment in criminal proceedings. I recommend you read this document.

Never before had such a clear enumeration of the rights of humankind been expounded in one place. Two sovereigns After all this time discussing the complexities of the United States federal government, you might expect me to be just about finished. I am not. I have only explained half of it. In the U.S., we have two sovereigns. The federal government is one. The fifty states constitute the others. A citizen of New York City, for example, is a resident of New York States. New York State has its own laws, courts, and governor. It is not too unlike your provincial system. But unlike China's system, where the central government always wields the greater authority, in the U.S. certain issues are the traditional prerogative of states, not the federal government. Such issues include chartering of corporations, marriage and families, the handling of elections, regulation of and titles to real estate, regulation of alcohol, governance of most professional occupations, and much more. The state governments have their own elected legislatures, their own governors, and their own courts. Conclusion No system is perfect. But the U.S. system of government has the advantage of having learned from the mistakes of those nations we emigrated from, particularly Britain. When the founders of the U.S. had the opportunity to start anew, they sought to build a just society and a just government. But they also sought to curtail the government's powers and make it impossible, or at least very unlikely, for the abuses they knew too well in Europe.

That said, I am not going to tell you that America is utopia - a perfect place - because no such place exists. In directly contravention to the founder's intent, the government of the United States is large and sometimes unwieldy. A lot of the lines that the founders drew to curtail federal government power have blurred in recent time. And the burden to the people in the U.S. has grown to support the size and weight of both state and federal governments. In fact, while it seems incomprehensible to me, we actually pay far more for our government than you do. Our taxes are higher than China, and your government is Communist. If anyone can explain that to me, I would love to understand how this could be.

Thank you for coming to listen to me tonight. I am flattered by the attendance.

I wish there were more chairs to accommodate you all. You have been a great audience and I would be glad to take questions now. Question & Answer Session (This is a composite of questions from several lectures) Professor: Thank you Chris. Mr. Robbins is now going to take questions.

Please write your questions down and raise your hands and I will be glad to collect them. Robbins: I already have two questions from the earlier lecture that I did not have time to answer. I will start with them and I look forward to reading your other ones today. Please also feel free to write your email addresses on your questions so that if I do not have time to get to them, I can answer them later in the week. Question: In China sometimes we have to have special relationships with the government to get what we want for our business. Is this common in the United States also?

Answer: That is a very good question. I know something about business practices in China. The current situation is nothing new. While bribery is not always the norm, there is great historical precedence, going back to the Emperors, of what we would describe in the United States as irregular government involvement. Money changes hands. While the United States is not perfect, it is far different in my country. Bribes, "gratuities," and "squeeze" is illegal in the United States. Both businessmen and government employees face long prison sentences if they give or accept bribes. While I will not tell you that every civil servant in the U.S. is infallible, we have a strong preference for transparency and honesty. Our laws even apply this tradition when our companies transact business in China or other nations. A law called the Foreign Corrupt Practices Act [50] and the International Anti-Bribery Act even prevent U.S. businessmen from bribery when they are operating in China and other countries. And at home "greasing the wheels" is strictly prohibited. When you do business in the United States, there are no gratuities, there are no bribes, there is no way to gain advantage with the government. The good news is that you don't need this type of influence. In the US, as in all truly free societies, the government has very little part in business. Most industries are only very lightly regulated, if at all. So you probably don't need the government and you therefore don't need to gain influence with them.

I want to speak briefly about the temptation towards bribes, "gratuities," and "squeeze" here

in China, too. As long as Chinese citizens are willing and ready to turn to these tactics to gain advantage, your government will continue to attract the type of men willing to accept such hospitality. Your former premier, Zhu Rongji, started an anti-corruption campaign in 2002.

This needs to be reinvigorated. There is a direct correlation everywhere in the world between the transparency and fairness of governments and the prosperity of the governed. But anti-corruption efforts are not enough. Governments, whether communist or capitalist, need boundaries. Everyone has a right to know where these boundaries are. Right now, China has robust regulatory power at both the national and provincial levels, but who knows where these powers begin or end? How do you stay within the confines of business regulations if they are not always written down? If you do not know which agencies or bureaucrats have the right to enforce them? There is great muddiness currently. This deserves its own lecture, I am afraid. Thanks for your question. Question: "What do you think of the current relationship - and the future prospective - between China and the US." I am so glad to have the opportunity to answer that question. Relationships are everything. Business is not just about money, but about people. As I said earlier, this is really, in many ways, a dream come true; not just for me but for everyone. The dream is free exchange of ideas among people and it just wasn't possible not too long ago. I think the current relationship among people and businesses is and will remain very strong. I think the current relationship between governments, however, is not strong enough, but will become stronger with time.

On the business side, there are so many people in our country every day who are connected with China in many ways - the clothes they wear, the parts in their cars, the electronics they use. And there is much that connects you with the U.S. From the jets in your airways, to the software on your computers, to the softdrinks served in your restaurants. We are partners in trade, as I discussed earlier. But while our people are content to do business with one another, there are very real differences of opinion between our governments. And while that is a lecture for another day, there, too, I see constant improvement. This is not the China of our childhoods. It is not even the china that I visited just a few years ago. Let's hope that the prospects are indeed excellent. Question: "How did the American economy develop so quickly?" I will assume you left off three words: "Compared to China." And if this is so, the question is amusing because the rest of the world is marveling at China and wondering how China's economy has developed so quickly, compared to the rest of the world. In any event, whether you are considering the case of America or China, the answer is the same. Development depends upon several key factors. They are the same everywhere. They work together in a formula I have made up.

I doubt this is scientific, but it is social scientific. So here's the Robbins Economic Development Formula:  $D = [(N)(E)(I)](F)$  (Total Net Development) = [(N)(E)(I)](F) "N" stands for natural resources, such as minerals, petroleum, fish and wildlife, and forests. These are the raw materials of industry. But while they contribute greatly to economic development, there can still be significant development without them. Look at Japan. "E" is a country's education, and includes the sophistication of its teachers, the access citizens have to schools and universities, and the existence of an ethic that puts a high value on near universal education - an intelligent populace - and is able to execute on that objective. "I" stands for infrastructure. To become a world economic superpower, a nation must have world class infrastructure, such as highways, canals, water systems, public waste treatment facilities, airports, and ports. Infrastructure serves not only export commerce but the quality of life of citizens. So it therefore must also mean good hospitals, public parks, and clean streets.

Now take those factors, multiply them and then raise them to the power of F.

What is F and why is it so important? F is the freedom index. Consider an enslaved people working for a tyrannical emperor on the richest land on earth? Do you think there will be much economical development? Not much incentive to make such a king rich - or any king - wealthy, is there?

The "F" factor is multi-faceted. It means more than just the absence of abject slavery. It means having a just and effective government, fair courts and judges, elections and control over your own destinies. It also means being free from coercion, force, and brutality, free from conscripted labor or military service, and choice. Read James Madison's bill of rights, and you'll see a number of other elements that make up the "F" factor. Question: "What does the role of law play in the economic development of the U.S.?" This question is what we call a "softball" in the U.S. - a question that gives me an opportunity to talk about something I am comfortable with.

I can briefly answer this, as it's part of the "F" factor I just discussed. When men and when groups have disputes there are several ways to resolve them.

War and violence is one way. Coercion and the treat of violence, brutality, or depravation is another. Chance, lottery, and mysticism is another way to resolve disputes. But the best way is courts, judges, and justice.

This is the fundamental issue. If you pick the last option - the only option if you want to enhance the "F" factor - you must go even further. The law must be consistent and fair. The law must be known and published and accessible to the highest and lowest members of society. The law detests surprises. And when you have such a consistent system, everyone, especially business, knows what to expect and can thrive in such an environment.

The U.S. had such a system from its inception. It is interesting to note that the U.S. actually adopted British common law - and was even following such legal precedents while we were firing our guns at British soldiers. Question: "What do you think of the U.S. Declaration of Independence? Do you think it is still applicable to today's society?" I think I already covered this. This document is applicable. It is timeless. I think that whenever you are dealing with such basic questions - what rights do human being have? Where do these rights come from? To what extent can other human beings take them away? - I think the answers to these questions are timeless, immutable, and ever-relevant, especially when the worldview of a document like the Declaration is challenged. Question: "How do you vote for your president? Does everyone have the right to vote?" Yes. Everyone over 18 years old can vote. On election day,

which is every four years for president, we all go to assigned "polling places." These are locations usually run by volunteers. Question: "What do you think of the two-party system in the U.S. and the supervision system in China? We have one party as a leading party and it is the communist party. Many other parties involved in supervision." Well, first of all, we don't have a two-party system. That's a myth. We have many parties. But two are dominant. I'll point out that several times in the last 100 years there have been third party candidates. But the last time a third party presidential candidate received more votes than a democrat or republic was 1912, Theodore Roosevelt. Since then, there have been other third-party candidates, such as Ross Perot and Ralph Nader. And sometimes their parties are very powerful. But they are not dominant. As to the second part of your question, I do not think I should answer it right now. Question: "What's your opinion of the policies of the Bush government?" I've been asked this question all throughout my travels, and even in my own country. I generally support the president. And while I know there is some controversy over the war in Iraq and Afghanistan, I remember one operative fact: the government's objective after 9/11 was to prevent another 9/11.

And guess what? There hasn't been another 9/11. Is president Bush perfect? Hardly. Are any of us? Question: "Do you have a period of history in the U.S. that you hate the most?" I don't like suffering, so any period involving warfare. The most brutal in our country's history was the U.S. Civil war, 1861 to 1865. 625,000 men died, more than even in World War Two. But such suffering does not even begin to compare to the suffering experienced in Asia this century. I will not discuss this further. Question: "As a lawyer, how can you defend a man you know to be guilty?" Having seen several Chinese court cases, this is an understandable question.

Our system is much different than yours. The guilty - even when we know they are guilty - are still entitled to a defense before the court. It is expensive.

It is time-consuming. It is emotionally taxing upon their victims. But I submit it is the only humane procedure. The theory is that the government has the burden of proof. And in practice, the government is indeed like a freight train. It will level everything it rolls over, unless something can stop it. That something is an attorney, whose job it is to defend the accused and ensure that the government proves its case beyond a reasonable doubt.

What is the alternative? I have heard many other ideas and have seen other systems. They are much less expensive, but without a defense attorney and trial by jury justice is left to chance. It's left to chance sometimes even with these features. Question: "What's the situation of racial discrimination now?" Before I answer, I want to point that U.S. treatment of minorities has been an issue raised for decades by educators in China and in the former Soviet Union. The message being sent was that we are no example for the world - we are hardly civilized at home. This is simply not the case. While the U.S. has had an embarrassing legacy with civil rights, I submit that like the other liberal democracies - Canada, the U.K., Australia - people get along with one another better in the U.S. than anywhere else. Are there still examples of racism? Yes, of course. Are there in China? Well, this is a subject I am not permitted to speak about so I will conclude there. Question: "So many Americans have cars, as I understand it.

Therefore, how can you protect the environment? What is the U.S.

doing?" This is such a controversial topic, it would not be useful to discuss it at any length. You can research this on the internet. I suggest looking at photographs of our cities and national parks, reviewing at emissions data and our laws, and then comparing us to the rest of the world.

As with many things, the U.S. is always the whipping boy for international hot-button issues. It's flattering in a way: People expect more from us. They expect us to be a leader. They criticize sharply, and sometimes unjustly.

There is a popular issue relating to the signing of the Kyoto Protocol, an amendment to the International Treaty on Climate Change. China has not signed it either. I think our countries are making the same decision on this treaty, but for different reasons. Question: "What the next century going to bring for the U.S. in your opinion?" Good.

The U.S. is very consistent, because of the N, E, I, and F factors. But I am a little concerned about the "E" factor, education. It seems that we spend a tremendous percentage of our nation's wealth on education, but we are simply not getting a large enough return. China does far better with far less capital. Thank you again for coming tonight. You can email other questions to me at [chris@floridalawyer.com](mailto:chris@floridalawyer.com). Click here to go to the first lecture in this series [1] 1760 U.S. Census. [2] About .1% of China's population today. [3] While the basic invention of a

Compass needle floating in a bowl of water was Chinese, Europeans made the device more reliable. By the Fifteenth Century, model were sold in which a compass-card was seated in a box frame with a dry pivot needle. By the year of Columbus's voyage, navigators had developed requisite skill and experience in the use of these navigational aids aboard ships and the art of chart making was fast turning into a reliable practice, too. [4] Two of the three ships Columbus sailed in, the Nina and the Pinta, were Caravels which probably represented the very height of shipbuilding technology at the time And there had been other significant advances in the overall seaworthiness of sailing vessels at this time, too, including advances in rigging, waterproofing, sailcloth, deck planking, and hull reinforcement. [5] Born Giovanni Caboto, Italian, his major explorations occurred during the 1490s. [6] Italian, his major explorations occurred in 1497, 1499, and 1502. [7] Spanish, his major exploration occurred in 1510s. [8] Spanish, one of the most successful pioneers, whose explorations spanned from 1514 to 1542. [9] Italian, his major explorations occurred during the 1520s.

[10] French, his major explorations occurred during the 1530s and 1540s. [11] Spanish, his major explorations occurred in the 1540s. [12] English, his major exploration occurred in the 1580s. [13] English, his major explorations occurred during the turn of the seventeenth century 1600s. [14] 1607 by the English. The first Virginia settlement was Roanoke Island in 1584, but this community was unsuccessful and most of its inhabitants mysteriously disappeared. [15] 1620 by Puritans from England. A group from an earlier settlement, Popham Colony, arrived in 1607, but this settlement was abandoned. [16] 1613 by the Dutch. [17] 1634 by Catholics from England. [18] 1629 by Puritans. [19] It should be noted that before 1820, precise population figures are always estimates. One statistic is not in dispute, however: about 50,000 of the new world's residents, or about 2%, were British convicts who had been relocated to the new world

as part of their prison sentences. [20] So-called seats of easement, piss-dales, and other early marine heads were not standard equipment on even some Naval vessels until the mid-1600s. It is probable that amenities only recently available to Royal Navy officers would not find their way into common usage until later.

<http://txspace.tamu.edu/bitstream/1969.1/3765/1/etd-tamu-2006A-ANTH-Flynn.pdf>. [21] The Mayflower required 63 days to cross, and this was considered a quick passage at the time. [22] By Evangelista Torricelli. [23] In fact, it took two centuries and the development of the compact aneroid barometer (using a spring balance instead of a liquid) by French scientist Lucien Vidie in 1843 before they were common (and soon after required) equipment on ocean-going vessels. See, e.g., <http://www.barometer.ws/history.html>.) [24] By John Harrison 1693-1776. [25] While acceptance of the Chronometer was much quicker than the barometer, the inventor and the technology faced several decades of unwarranted skepticism by both mariners and politicians until, in 1773, King George III intervened. Still, due largely to prices, it was not until the turn of the next century that ocean-going sailing ships would be expected to have an accurate ship's chronometer, and thus a way to accurately estimate longitudinal position. [26] The rudimentary sextant was called a cross staff. Another device of the day was the astrolabe. Sextants and octants, with their intricate optics, were not available yet. [27] <http://www.britishbattles.com/spanish-war/spanish-armada.htm>. [28] See e.g., <http://txspace.tamu.edu/bitstream/1969.1/3765/1/etd-tamu-2006A-ANTH-Flynn.pdf> at page 108. [29] 1627. [30] 1642 (commenced). [31] Star Chamber Court sessions were held in secret, with no indictments, no right of appeal, no juries, and no witnesses. [32] 1629. [33] 1637-8. [34] 1665. It started in 1657 in Italy, struck France in the 1660s, Holland in 1663, Austria and Germany in the 1670s. [35] 1666. [36] Leviathan, 1651, Hobbes, Thomas, xiii. [37] The establishment of both the Massachusetts Bay Colony and the St.

Mary's City community followed immediately after Lord Coke and Parliament, in 1627, presented their Petition of Right to Charles I of England. The petition demanded limits on government, the stop to arbitrary arrests, restrictions on taxation without representation, trial by jury, and many other examples of human rights protections. [38] Two Treatises Of Government, John Locke, Chap. ii. [39] Eventually to become the state's legislature. [40] Including Roger Williams and Anne Hutchinson. [41] <http://merrill.olm.net/mdocs/pop/colonies/colonies.htm>. [42] Philosophiae Naturalis Principia Mathematica, 1687. [43] The Treaty of Utrecht. [44] 1707. [45] Quod principi placuit, legis habet vigorem, literally, "the will of the prince has the force of law." [46] Quod omnes tangit omnem approbatur, literally "what touches all must be approved by all," a principle dating back to the days of Magna Carta. [47] Most of the 56 signers did not sign until August 2, 1776, after New York State ratified the Declaration of Independence. [48] In fact, various accounts indicate that he and Benjamin Franklin joked about going to the gallows on August 2 with Hancock stating that "Gentlemen, we must be unanimous; there must be no pulling different ways; we must all hang together." Franklin replied, "Yes, we must indeed all hang together or most assuredly we shall all hang separately." [49] Attributed to a speech in the House of Commons on November 11, 1947. The author did not verify this source, and several other sources indicate the speech might have been earlier. [50] 15 U.S.C. §§ 78dd-1, et seq.